

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty Dkt. 117-319

HERMON-TAYLOR et al

C# M#

Serial No. 09/646,568

Group Art Unit: 1645

JC10 Rec'd PCT/PTO

1645  
BX 5294  
06 NOV 2001

Examiner:

Filed: November 9, 2000

Date: November 6, 2001

Title: DIAGNOSTICS AND VACCINES FOR MYCOBACTERIAL INFECTIONS OF  
ANIMALS AND HUMANSAssistant Commissioner for Patents  
Washington, DC 20231

RECEIVED

NOV 08 2001

TECH CENTER 1600/2900

RECEIVED

NOV 28 2001

Sir:

TECH CENTER 1600/2900

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

**Fees are attached as calculated below:**

Total effective claims after amendment	0	minus highest number		
previously paid for	20	(at least 20) =	0	x \$ 18.00

\$ 0.00

Independent claims after amendment	0	minus highest number		
previously paid for	3	(at least 3) =	0	x \$ 84.00

\$ 0.00

-If proper multiple dependent claims now added for first time, add \$280.00 (ignore improper)				
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\$ 0.00

Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$400.00/2 months; \$920.00/3 months)				
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\$ 0.00

Terminal disclaimer enclosed, add \$ 110.00				
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\$ 0.00

<input type="checkbox"/> First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$740.00)				
<input type="checkbox"/> Please enter the previously unentered , filed				
<input type="checkbox"/> Submission attached				

**Subtotal** \$ 0.00

small entity," then enter half (1/2) of subtotal and subtract				
<input type="checkbox"/> Applicant claims "small entity" status. <input type="checkbox"/> Statement filed herewith				

-\$ 0.00

Rule 56 Information Disclosure Statement Filing Fee (\$180.00)				
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\$ 0.00

Assignment Recording Fee (\$40.00)				
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\$ 0.00

Other: Statement with paper and computer-readable copies of Sequence Listing; copy of Notification of Missing Requirements; copy of Notification to Comply				
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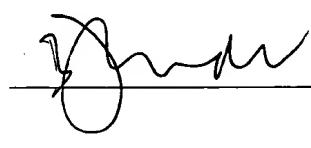
0.00

**TOTAL FEE ENCLOSED** \$ 0.00

The Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

1100 North Glebe Road, 8<sup>th</sup> Floor  
Arlington, Virginia 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100  
BJS:eaw

NIXON & VANDERHYE P.C.  
By Atty: B. J. Sadoff, Reg. No. 36,663

Signature: 



UNITED STATES PA

ND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NO.		FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/646568		HERMON-TAYLOR	J 117-319
		INTERNATIONAL APPLICATION NO.	
		PCT/GB99/00849	
		I.A. FILING DATE	PRIORITY DATE
		18 MAR 99	20 MAR 98
DATE MAILED: 06SEPT01			

**COPY**

NIXON & VANDERHYE  
1100 NORTH GLEBE ROAD 8TH FLOOR  
ARLINGTON, VA 22201 4714

**NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE  
DISCLOSURES**

Applicant has submitted papers under 35 U.S.C. 371 to enter the national stage in the United States of America. The items indicated below, however, are missing. The period within which to correct the deficiency noted below and avoid abandonment is set forth in the accompanying Notification.

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

The application fails to comply with the requirements of 37 CFR 1.821-1.825.

This application does not contain, a "Sequence Listing" as a separate part of the disclosure on paper copy or compact disc, as required by 37 CFR 1.821(c).

A copy of the "Sequence Listing" in computer readable format has not been submitted as required by 37 CFR 1.821(e).

A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."

The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).

The paper copy or compact disc of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).

Other: \_\_\_\_\_

**APPLICANT MUST PROVIDE:**

An initial or substitute computer readable form (CRF) of the "Sequence Listing."

An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.

A statement that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

FOR QUESTIONS REGARDING COMPLIANCE WITH THESE REQUIREMENTS, PLEASE  
CALL:

(703) 308-4216, for Rules interpretation,  
(703) 308-4212, for CRF submission help,  
(703) 287-0200, for PatentIn software help.

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LAMONT HUNTER

Telephone: 703-305-3686

**COPY**

N.74368B

Nixon & Vanderhye P.C. (6/92)

**RULE 63 (37 C.F.R. 1.63)**  
**DECLARATION AND POWER OF ATTORNEY**  
**FOR PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled DIAGNOSTICS AND VACCINES FOR MYCOBACTERIAL INFECTIONS OF ANIMALS AND HUMANS, the specification of which (check applicable box(es)):

[ ] is attached hereto

[ ] was filed on \_\_\_\_\_

[X] was filed as PCT international application No. PCT/GB 99/00849 on 18<sup>th</sup> March 1999  
and (if applicable to U.S. or PCT application) was amended on \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37 C.F.R. 1.56(a). I hereby claim foreign priority benefits under 35 U.S.C. 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed or, if no priority is claimed, before the filing date of this application.

**Prior Foreign Application(s):**

Application Number	Country	Day/Month/Year Filed
9806093.2	United Kingdom	20 <sup>th</sup> March 1998

I hereby claim the benefit under 35 U.S.C. 120/365 of all prior United States and PCT international applications listed above or below and, insofar as the subject matter of each of the claims of this application is not disclosed in such prior applications in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. 1.56(a) which occurred between the filing date of the prior applications and the national or PCT international filing date of this application.

**Prior U.S./PCT Application(s):**

Application Serial No.	Day/Month/Year Filed	Status patented, pending, abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And I hereby appoint Nixon & Vanderhye P.C., 1100 North Glebe Road, 8th Floor, Arlington, Virginia 22201-4714, telephone number (703) 816-400 (to whom all communications are to be directed), and the following attorneys thereof (of the same address) individually and collectively my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent: Arthur R. Crawford, 25327; Larry S. Nixon, 25640; Robert A. Vanderhye, 27076; James T. Hosmer, 30184; Robert W. Faris, 31352; Richard G. Besha, 22770; Mark E. Nusbaum, 32348; Michael J. Keenan, 32106; Bryan H. Davidson, 30251; Stanley C. Spooner, 27393; Leonard C. Mitchard, 29009; Duane M. Byers, 33363; Paul J. Henon, 33626; Jeffry H. Nelson, 30481; John R. Lastova, 33149; H. Warren Burnam, Jr., 29366; Thomas E. Byrne, 32205.

1) Inventor's Signature John Hermon-Taylor Date 4<sup>th</sup> October 2000

Inventor's Name (typed)	John	HERMON-TAYLOR	British
	First	Middle Initial	Citizenship

Residence (City) London (State/Foreign Country) United Kingdom

Post Office Address St. George's Hospital Medical School, Cranmer Terrace, London United Kingdom Zip Code SW17 0RE

2) Inventor's Signature Timothy John Bull Date 4<sup>th</sup> October 2000

Inventor's Name (typed)	Timothy	John	BULL	British
	First	Middle Initial	Family Name	Citizenship

Residence (City) London (State/Foreign Country) United Kingdom

Post Office Address St. George's Hospital Medical School, Cranmer Terrace, London United Kingdom Zip Code SW17 0RE



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER  
Box PCT  
Washington, D.C. 20231

PATENTS

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/646568	HERMON	T 117-319
NIXON & VANDERHYE 1100 NORTH GLEBE ROAD 8TH FLOOR ARLINGTON, VA 22201		INTERNATIONAL APPLICATION NO.
		PCT/GB99/00849
I.A. FILING DATE		PRIORITY DATE
18 MAR 99		20 MAR 98
DATE MAILED:		06SEPT01

**COPY**

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

a Designated Office (37 CFR 1.494),  
 an Elected Office (37 CFR 1.495):  
  
 U.S. Basic National Fee.  
 Copy of the international application in:  
 a non-English language.  
 English.  
 Translation of the international application into English.  
 Oath or Declaration of inventors(s) for DO/EO/US.  
 Copy of Article 19 amendments.  
 Translation of Article 19 amendments into English.  
 The International Preliminary Examination Report in English and its Annexes, if any.  
 Translation of Annexes to the International Preliminary Examination Report into English.  
 Preliminary amendment(s) filed 20 Sept 00 and \_\_\_\_\_.  
 Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_.  
 Assignment document.  
 Power of Attorney and/or Change of Address.  
 Substitute specification filed \_\_\_\_\_.  
 Verified Statement Claiming Small Entity Status.  
 Priority Document.  
 Copy of the International Search Report  and copies of the references cited therein.  
 Other:

DOCKETED  
CITE NUMBER # 117-319  
FILED DATE Sep 6, 2001  
PRIORITY DATE Nov. 6, 2001  
PCT/DO/EO/US FILING DATE Apr. 6, 2002  
PCT/DO/EO/US PRIORITY DATE Apr. 6, 2002

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.  
 The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.  
 b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).  
 c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.  
 The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.  
 d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ \_\_\_\_\_ as a  large entity  small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY  21 OR  31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5.  The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR. 494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

***A copy of this notice MUST be returned with this response.***

Enclosed:

PCT/DO/EO/917  
 PTO-875

FORM PCT/DO/EO/905 (December 1997)

Notice of Defective Translation

LAMONT HUNTER

Telephone: 703-305-3686

# COPY

Serial No.: 09/6046, 5608  
Applicant: HERMAN-TAYLOR et al. Atty: M. J. U.  
Title: DIAGNOSTICS AND VACCINES Date: 11-9-2000  
FOR MYCOBACTERIAL INFECTIONS  
15 U.S. PATENTS & TRADEMARKS  
Ref: 17-319

Amendment  
 Pages Specification  
 Claims  
 Sheets Drawings: Formal  
 Informal  
 Declaration ( \_\_\_\_\_ Pages)  
 Assignment + Recordation Form Cover Sheet  
 Priority Document  
 Base Issue Fee Transmittal  
 Fee (Check) Recordation Fee  
\$40.00

Other: TRANSMITTAL LETTER FILING COMPLETED  
NOTICE TO FILE MISSING REQUIREMENTS

NOV 09 2000  
PATENT & TRADEMARK OFFICE